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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application No.: 09/979,291
 U.S. Filing Date: November 20, 2001
 International Application No.: PCT/EP00/04652
 International Filing Date: May 22, 2000
 Priority Date: May 20, 1999
 For: Electroluminescent Display
 Inventor Christopher J.A. Barnardo, et al

RECEIVED

12 APR 2002

Legal Staff
International Division

Box: PCT
 Attention: PCT Legal Administrator
 Commissioner for Patents
 Washington, DC 20231

11/15/2002 LLANDGRA 00000099 162563 10019991

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**REQUEST TO RECONSIDER AND RESCIND NOTICE OF
 ABANDONMENT, OR IN THE ALTERNATIVE, PETITION TO REVIVE
 ABANDONED PATENT APPLICATION AND REQUEST FOR FILING
 FEE CREDIT OR REFUND**

**REQUEST TO RECONSIDER AND RESCIND NOTICE OF
 ABANDONMENT**

1. On November 20, 2001, Applicant filed papers within the required 30 month period to commence the National Processing in the United States Patent and Trademark Office for the above-identified international PCT application. A true copy of the papers as actually filed is attached hereto as Exhibit A.
2. Each of the papers filed on November 20, 2001 correctly referenced the above-identified PCT application, except for a clerical error on the cover sheet. A copy of the above-identified published PCT application was filed with the papers.
3. On January 9 , 2002, the United States Patent and Trademark Office issued a Notification of Abandonment which stated that the application was abandoned as to the United States of America on finding that: "Applicant has failed to provide the copy of the International Application by 30 months (37 CFR 1.495(b))". This Notification of Abandonment was issued on the basis of the clerical error on the

cover page. A copy of the Notification of Abandonment is attached hereto as Exhibit B.

4. After receiving the Notification of Abandonment, the undersigned contacted Anita D. Johnson of the United States Patent and Trademark Office and advised her that a copy of the International Application had indeed been filed by 30 months, that all of the papers (except for the cover sheet) correctly reflected the correct PCT application number, and the papers for entering the U.S. National Phase for PCT/EP00/04652 were accordingly filed within the required time period. The undersigned further requested that the Notification of Abandonment be rescinded.
5. After additional telephone discussions with Anita D. Johnson, the undersigned was informed that despite the fact that the papers (except the cover sheet) all reflected the correct PCT filing number, Applicant would be required to provide a Petition to Revive the PCT Patent Application.
6. Applicant accordingly respectfully submits that Applicant did comply with the requirements for entering the U.S. National Phase within the required time limit, notwithstanding the issuance of the Notification of Abandonment and the position of the United States Patent and Trademark Office that the only PCT application reference which controlled was the clearly incorrect clerical error in the cover sheet.

Accordingly, Applicant requests that the Notice of Abandonment be withdrawn and the National Phase be commenced forthwith.

PETITION TO REVIVE

7. In the event that the United States Patent and Trademark Office does not reconsider and withdraw Notification of Abandonment and proceed to issue the required Notification of Compliance, Applicant petitions to revive the above-identified application.
8. The failure to enter the U.S. National Phase within the proper time period was clearly unintentional.
9. The papers submitted hereto as Exhibit A (except for the cover sheet) constitute the papers for entering the U.S. National Phase and accordingly meet the requirements and are resubmitted together with the cover sheet of Exhibit D to satisfy the substantive requirements for reviving the application.
10. The petition fee for the Applicant is a Large Entity. The petition fee for the Petition to Revive in the amount of \$1,240.00 should be charged to Deposit Account No. 16-2563 of Alix, Yale & Ristas.

Accordingly, Applicant respectfully requests that this application be revived, and that the U.S. National Phase be commenced forthwith.

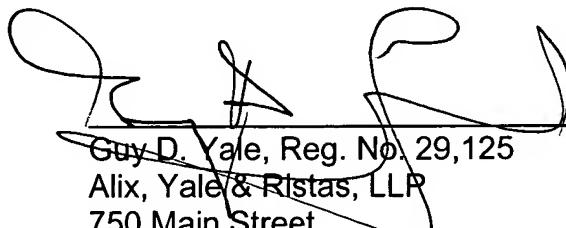
PETITION TO REFUND OR CREDIT FILING FEES

11. Applicant further requests that the \$990.00 filing fee originally submitted with the papers attached hereto as Exhibit A be either credited to Account No. 16-2563 of Alix, Yale & Ristas or credited to the filing fees in connection with the present application.
12. Clearly, the \$990.00 fee must be refunded since the United States Patent and Trademark Office treated the original issuance of the Notification of Abandonment as a proceeding under the incorrect PCT application. However, all of the fees in that application for which the undersigned attorney is also of record were fully paid as shown as Exhibit C attached hereto.

Accordingly, Applicant should either be refunded its filing fees or the filing fees credited against the fees due in connection with the National Phase entry of the above-identified PCT application.

13. Any additional fees due in connection with these papers should be charged to Deposit Account No. 16-2563 of Alix, Yale & Ristas. A *duplicate copy is enclosed herewith.*

Respectfully Submitted,



*Guy D. Yale, Reg. No. 29,125
Alix, Yale & Ristas, LLR
750 Main Street
Hartford, Connecticut 06103-2721
Telephone: (860) 527-9211
Customer No. 2543*

750 Main Street-Suite 1400
Hartford, CT 06103-2721
Phone: (860) 527-9211
Our Ref: DHN/319/PC/US

GDY/tlc